



REGULAR MEETING MINUTES

for

Wednesday, January 26, 2005

4:00 P.M. – Council Chamber Boardroom
and

5:30 P.M. - Art Pick Council Chambers
3900 Main Street, Riverside, CA

CASE REVIEW – 4:00 P.M.

1) Roll Call

Present: Commissioners Brewer, Corral, Gardner, Huerta, Percy, Quinto, and Ward

Absent: Commissioners Garcia and Davidson

2) Public Comment

There were no public comments.

3) Closed Session – Case Reviews

Pursuant to Government Code Section 54957, the Commission adjourned to Closed Session at 4:12 p.m. to discuss issues pertaining to PUBLIC EMPLOYEE PERSONNEL MATTERS.

<u>CPRC CASE NO.</u>	<u>IA CASE NO.</u>	<u>CPRC CASE NO.</u>	<u>IA CASE NO.</u>
1) 03-079	PC-03-297-278	9) 04-061	PC-04-166-171
2) 04-003	PC-04-019-175	10) 04-063	PC-04-252-122
3) 04-013	PC-04-051-215	11) 04-064	PC-04-239-270
4) 04-025	PC-04-099-087	12) 04-066	PC-04-252-123
5) 04-038	PC-04-154-139	13) 04-067	PC-04-253-127
6) 04-044	PC-04-188-107	14) 04-073	PC-04-276-014
7) 04-047	PC-04-194-271	15) 04-083	PC-05-003-095
8) 04-060	PC-04-253-125		

The Commission recessed at 5:30 p.m. to reconvene in the Council Chambers.

OPEN SESSION – 5:30 P.M.

**The following proceedings have been digitally recorded.
For copies, please call the CPRC office at (951) 826-5509.**

Chairman Gardner led in the Pledge of Allegiance. Chairman Gardner asked Ms. Sherron to confirm commissioner attendance.

Roll Call

Present: Commissioners Brewer, Corral, Gardner, Huerta, Percy, Quinto, and Ward

Absent: Commissioners Garcia and Davidson

4) Approval of Minutes

- A) Commissioner Percy moved to approve the minutes for the December Regular Meeting. Commissioner Corral seconded the motion. The motion passed 6 for, 0 against, 1 abstention.
- B) Commissioner Percy moved to approve the minutes for the December 16 Special Meeting. Commissioner Corral seconded the motion. The motion passed 6 for, 0 against, 1 abstention.
- C) Commissioner Percy moved to approve the minutes for the December 22 Special Meeting. Commissioner Corral seconded the motion. The motion passed 5 for, 0 against, 2 abstentions.
- D) Commissioner Percy moved to approve the minutes for the January 12 Case Review Meeting. Commissioner Corral seconded the motion. The motion passed 7 for, 0 against, 0 abstentions.

5) Executive Director's Report & Comments

Executive Director Payne

- asked if the commissioners had received a copy of the December '04 monthly report;
- reported on the implementation of Measure GG:
 - the City Council decided to accept staff recommendations to add members to each board and commission;
 - the City Attorney's office will ask council to adopt an ordinance waiving the number of members in each board and commission in order to allow for flexibility in recruiting members from unrepresented wards;
 - the ordinance would become effective 45 days after its approval, which is anticipated in late March or early April;
 - new appointments would probably be made in May.

6) Commissioner's Comments

Chairman Gardner presented a plaque to Don Williams, first CPRC Executive Director, expressing the Commission's appreciation for Mr. Williams service to the City.

7) Public Comments

Mary Shelton said she had been following up on a law suit filed by RPOA against the City. She questioned how a policy can be enforced that isn't understood. She said that problems were caused by Internal Affairs not conducting an investigation. She also said that RPD shouldn't be released from the stipulated judgment. She also said there should be an examination of whether or not the Department is following and enforcing its policies.

Ralph Avila agreed that recorders should be used by officer and noted there is a 98.7% conviction rate in Riverside. He thanked Chairman Gardner for serving as chair and hoped he would look to Attorney General for guidance on the recording issue.

8) Volne Stokes Officer-Involved Death Case

Chairman Gardner advised the Commission that he had received a revised draft of the Stokes memo from the Executive Director. He also said that he had met with Commissioners Pearcy and Ward to review the draft. He said that Commissioner Ward would be working on a draft resulting from that meeting.

Commissioner Ward said the draft would be e-mailed to Commissioner Pearcy on January 27.

Mary Shelton said she thinks the allegation that the CPRC isn't being transparent was wrong, but that the Department isn't wanting to be transparent.

Ralph Avila noted that the Stokes case was not the first time an officer refused to give details regarding a shooting.

9) Rene Guevara Officer-Involved Death Case

Commission requested a map showing an overview of the entire area covered by the chase.

10) CPRC 2004 Annual Report

Chairman Gardner asked for commissioner input into the 2004 Annual Report. Information he asked them to consider was:

- major issues;
- adherence to policy;
- trends and patterns – need to decide if there are any to highlight but not reiterate
- significant issues in the way of policy recommendations;
- direction that the City Council or City Manager might give to the Department;

Chairman Gardner asked that commissioners submit their ideas to him.

11) Committee Membership

Chairman Gardner asked about interest in the Outreach Committee vacancy. Commissioner Quinto expressed interest in the position and was duly appointed.

Chairman Gardner noted that the Policy & Procedures Review Committee has four members. Commissioner Brewer noted that four on a committee was too many and that it wasn't good to have an even number of committee members. He said the chair should be able to attend the meeting and noted that his committee was running into a scheduling problem with the Budget Committee.

Chairman Gardner suggested that a decision regarding committee membership be put on hold pending Council's decision about the CPRC membership as it relates to Measure GG. He said he would prefer to leave the membership of the Policy & Procedure Review Committee.

12) Committee Reports

A) Outreach Committee – Commissioner Pearcy, Chair

Commission Pearcy advised that they hadn't met yet this year so there was nothing to report.

B) Budget Committee – Commissioner Garcia, Chair

Chairman Gardner noted that the Budget Committee hadn't met and had nothing to report

C) Policy & Procedures Review Committee – Jack Brewer, Chair

Commissioner Brewer said

- the Committee would take certain sections of RPD Manual at a time;
- that if any commission wants the Committee to look at a certain section, they will;
- discussed CPRC Policy & Procedures and By-Laws;
- will meet on February 23rd.

13) CPRC Officer Terms

Chairman Gardner asked for discussion on the proposed amendments along with a possible vote to amend the CPRC By-Laws / Policies & Procedures regarding CPRC officer terms. He excused himself from the discussion.

The proposed amendments were:

PROPOSAL NUMBER 1

**ARTICLE V
OFFICERS**

Section 5. All officers shall be elected by the members for a term of one year. A member may serve no more than ~~two~~ **three** successive years in the same office.

PROPOSAL NUMBER 2

**ARTICLE V
OFFICERS**

Section 5. All officers shall be elected by the members for a term of one year. A member may serve no more than two successive years in the same office. ***This article may be suspended by a majority vote of the Commission to allow any existing officer(s) to serve a term that is greater than two years based upon extenuating circumstances. The length of this term extension will be determined by the commissioners on the day the vote is taken.***

PROPOSAL NUMBER 3

**ARTICLE V
OFFICERS**

Section 4. The election of officers shall be conducted ~~annually~~ **every two years, during the even years**, at the first meeting in March.

Section 5. All officers shall be elected by the members for a term of ~~one~~ **two years**. A member may serve no more than two successive ~~years~~ **terms** in the same office. ***This article will become effective immediately and the current officers of the Commission will serve the second year of their current term. All future officers will be granted a two (2) year term upon their election.***

Commissioner Percy said he had brought this up because he felt that, during the tenure of the Interim Executive Director, it would best to have continuity by keeping the current chair.

Comments and suggestions included:

- Commissioner Huerta:
 - one year is not really long enough;
 - leaning toward a two-year term;
 - need to decide what to do tonight because new officers are supposed to be elected in a few weeks;

- Commissioner Percy:
 - raised the issue because the Commission doesn't have a permanent. Executive Director;
 - liked the two year term, but not that they would be eligible for a second term;
 - Proposal 3 didn't solve the issue he raised.
- Commissioner Brewer:
 - nothing wrong with the way things are currently;
 - vice-chair is in place to cover any problems with chair;
 - doesn't see why the Executive Director change should affect the Commission;
 - feels that everything is being pushed in one direction.
- Commissioner Quinto:
 - agreed that it takes a year to get feet wet;
 - believes all commissioners are qualified;
 - interested in a two year term.
- Commissioner Corral
 - doesn't think anything should be done until there is a full commission
 - wasn't aware it was so urgent;
 - opting for Proposal 2

Commissioner Corral made a motion to adopt Proposal 2. Commissioner Ward seconded. The motion to amend the CPRC By-Laws as stated in Proposal 2 passed 5 for, 1 against, 1 abstention.

Commissioner Corral made a motion that the vote to extend officer terms pursuant to amended CPRC By-Laws Article V, Section 5 be placed on the agenda for the next CPRC meeting. Commissioner Percy seconded. The motion passed 4 for, 2 against, 1 abstention.

Commissioner Huerta noted that her reason for voting against the motion was that the By-laws allow any commissioner to place an item on agenda.

14) NACOLE Conference

Commissioner Quinto reported on NACOLE Conference that was held in Chicago, Illinois on October 17 – 20, 2004.

Commissioner Quinto passed out copies of her PowerPoint presentation and other information she had acquired while at the conference. One of her most valuable experiences at the conference was a training session evaluating an officer-involved shooting incident. An incident was re-enacted for all the conference participants in groups of four or five. She said several officers from the Chicago Police Department's (CPD) Internal Affairs Unit talked the participants through the process. Afterwards, the participants went through the same process CPD goes through in their round-table discussions of officer-involved shootings. She said this happens in every officer-involved shooting in Chicago. One of her handouts to the commissioners included the CPD's checklist for officer-involved shooting investigations.

Based on this training session, she suggested that, should the NACOLE conference be held in Riverside, the Ben Clarke Training Center would provide a venue for similar training exercises.

Documents acquired at the Conference and reported on to the Commission were:

- Chicago Police Department
 - Command Information Worksheet (Roundtable Shooting Incident)
 - G.O. 02-08-03: Deadly Force
 - Use of Force Model
- University of Nebraska at Omaha – Samuel Walker, Coordinator
 - Investigating Citizen Complaints is Different
- Washington DC Citizen Complaint Review Board – Report and Recommendations
 - Disorderly Conduct Arrests Made by Metropolitan Police Department Officers
- Los Angeles Sheriff's Department (LASD)
 - Civilian Oversight & Risk Management
 - LASD Risk Management Statistic

- City of Oakland, California Citizens' Police Review Board
 - Preparing Civilian Police Review Boards for Challenges of the 21st Century: Oakland's Story
- San Francisco, California
 - San Francisco Police Commission – Office of Citizen Complaints
 - Evaluating Claims of False Arrest and Harassment
 - Best Practices for Investigating and Evaluating Crowd Control Incidents
 - Monitoring Crowd Control Events
 - San Francisco Police Department
 - Crowd Control Manual
- Seattle Police Department – Seattle, Washington
 - Critical Evaluation of the Police Investigation of Complaints Arising Out of Political Demonstrations and Other Crowd Control Events
- Independent Police Review Division & Portland Police Bureau – Portland, Oregon
 - Resource Site List
- H. Goldstein
 - Proposed Analysis of Stopping and Questioning Practices
- Civilian Complaint Review Board Investigative Branch – New York City

The Commission adjourned at 7:24 p.m.

Respectfully submitted,


 PHOEBE SHERRON
 Sr. Office Specialist